

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 31, 2006**

DIVISION ONE

B182444      Kenneth G. Petrulis, as Administrator, etc.      (Certified for Publication)

v.

William C. Wilks

The judgment is affirmed.

Mallano, J.

I concur:      Spencer, P.J.

I concur in the judgment only:      Vogel (Miriam A.), J.

B185192      Ahsan Mohiuddin      (Not for Publication)

v.

Creative Bus Sales, Inc.

The judgment is affirmed. Respondent Creative Bus Sales, Inc., is entitled to costs on appeal.

Mallano, J.

We concur:      Spencer, P.J.

Rothschild, J.

## July 31, 2006 (Continued)

## DIVISION ONE (Continued)

B184728 People (Not for Publication)

**v.**

Jose Francisco Fuentes

The judgment is reversed.

Mallano, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B186947 Allen Jerome Shafran et al. (Not for Publication)

V.

Franchise Tax Board

The judgment is affirmed. Respondent Franchise Tax Board is entitled to costs on appeal.

Mallano, J.

We concur: Spencer, P.J.

Rothschild, J.

B187812      Los Angeles County, D.C.S.      (Not for Publication)

V.

Eva G.

The order is reversed. The case is remanded to the trial court with directions to hold a hearing on the termination of jurisdiction, custody and visitation.

Spencer, P.J.

We concur:   Mallano, J.

Rothschild, J.

July 31, 2006 (Continued)

## DIVISION ONE (Continued)

B188592 People (Not for Publication)  
v.  
Diaz

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, Acting P. J.  
Vogel (Miriam A.), J.

B187239      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Indira Z.

The custody and visitation order is affirmed.

Rothschild, J.

We concur: Spencer, P.J.  
Mallano, J.

[illegible]

The judgment is affirmed.

Rothschild, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

July 31, 2006 (Continued)

## DIVISION ONE (Continued)

B181775 Choi (Not for Publication)  
v.  
Choi et al.

We affirm the judgment. Respondents Kyung Sook Choi and Kyung Ah Choi are entitled to their costs on appeal.

Rothschild, J.

We concur: Spencer, P.J.  
Mallano, J.

B190406      Princess M.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for extraordinary writ is denied.

Spencer, P.J.

We concur:   Mallano, J.  
                      Rothschild, J.

B178442      People      (Not for Publication)  
v.  
Tory Christopher Watts, et al.

The judgments are affirmed.

Spencer, P.J.

I concur:       Rothschild, J.  
I concur in the judgment only:       Vogel (Miriam A.), J.

July 31, 2006 (Continued)

## DIVISION ONE (Continued)

B184553      People      (Not for Publication)  
v.  
Anthony Davis Spruel

The judgment is affirmed and the matter is remanded to the trial court with directions to hold a restitution hearing in conformity with section 1202.4. The clerk of the superior court is directed to correct the July 13, 2005 minute order and to amend the abstract of judgment by deleting the order that defendant make restitution to the victim in the amount to be collected pursuant to a civil judgment. The clerk then is to forward a copy of an amended abstract of judgment to the Department of Corrections.

Spencer, P.J.

We concur:   Mallano, J.  
                      Rothschild, J.

B178698 William Bowen (qui tam) (Not for Publication)  
v.  
Union Bank of California et al.

The order is affirmed.

Spencer, P.J.

We concur: Mallano, J.  
Aldrich, J. (Assigned)

B185046 Spiegel Development, Inc. (Not for Publication)  
v.  
SFC Realty Professionals, Inc., et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Rothschild, J.

July 31, 2006 (Continued)

DIVISION ONE (Continued)

B174757      Richard M. Nieto                      (Not for Publication)  
                 v.  
                 The Paul Revere Life Insurance Company

We affirm the summary judgment.

Spencer, P.J.

I concur:      Rothschild, J.

I concur in the judgment only:      Vogel (Miriam A.), J.

B182544      Emma G. Eastman                      (Not for Publication)  
                 v.  
                 Loretta Clark, et al.

The judgment is affirmed.

Spencer, P.J.

We concur:      Vogel (Miriam A.), J.  
                 Mallano, J.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,  
Deputy Clerk.

B185703      People v. Jonathan J.

Argument waived, cause submitted.

DIVISION TWO (Continued)

B186286     People  
              v.  
              Muse

Merits:

Argued by Edward Haggerty for appellant and by Carl Henry, Deputy Attorney General for respondent. Cause submitted.

B182098     Drexler  
              v.  
              Kay, et al.

Merits:

Argued by David Drexler for appellant and by John Dalton for respondents. Cause submitted.

B185807     Tokio Marine & Fire Insurance Co., LTD.  
              v.  
              Megatrux, Inc.

Merits:

Argued by Dennis Cammarano for appellant and by Andrew Kehagiaras for respondent. Cause submitted.

B174594     Estate of Brett Thompson  
              v.  
              County of Los Angeles

Merits:

Argued by David Lawrence for appellant and by Donald W. Cook for appellant. Cause submitted.

DIVISION TWO (Continued)

B183046     Tolt  
              v.  
              Borselle, et al.

Merits:  
Argued by Thomas Edwards for appellants and by Nikki Tolt for respondent. Submission deferred pending further briefing.

B179607     Alan Klarik Enterprises, Inc.  
              v.  
              Viva Optique, Inc.

Merits:  
Argued by Marc Rohatiner for appellant and by Frank Nemecek for respondent. Cause submitted.

B186038     Chin, et al.  
              v.  
              Dok, et al.

Merits:  
Argued by Henry LaTorraca for appellants and by Thomas McIntosh for respondents. Cause submitted.

Court adjourned.

B191968     Gordon  
              v.  
              Los Angeles Metropolitan Transit Authority

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed June 19, 2006) dismissed.



July 31, 2006 (Continued)

## DIVISION FOUR

B177583 People (Not for Publication)  
v.  
Blake

The judgment is affirmed.

Hastings, J. (Assigned)

We concur: Epstein, P.J.  
Willhite, J.

B185749 People (Not for Publication)  
v.  
Madera

The five-year enhancement under section 667, subdivision (a)(1) is reversed and the case remanded for resentencing, including imposition of a mandatory consecutive term on count 3. In all other respects the judgment of conviction is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Hastings, J. (Assigned)

B186616 People (Not for Publication)  
v.  
Carranza

The judgment of conviction is affirmed.

Hastings, J. (Assigned)

We concur: Epstein, P.J.  
Suzukawa, J.

## DIVISION FIVE

B183949      Ruth Nathaniel  
v.  
Joel Nathaniel

Filed order denying petition for rehearing.

## DIVISION SIX

B183270      People      (Not for Publication)  
v.  
Chairenza

On remand the trial court is directed to strike the \$400 probation revocation restitution fine (Pen. Code, Section 1202.44), and to recalculate the fee and penalty assessments imposed pursuant to Health and Safety Code sections 11372.5 and 11372.7 without including assessments set forth in sections 70372 and 76104.6 Otherwise, the judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                         Yegan, J.

B185936 People (Not for Publication)  
v.  
Moore

The judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                      Coffee, J.

## DIVISION EIGHT

[illegible]

The order is modified by striking the Penal Code section 186.22, subdivision (b)(1)(C) enhancement and, as modified, is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B184318      Curl,  
                v.  
                Roe,

(Not for Publication)

The judgment (order of dismissal) is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

B184473      Stupar,                                  (Not for Publication)  
v.  
City Of Los Angeles

The judgment is affirmed. The parties are to bear their own costs on appeal.

Rubin, Acting P.J.

We concur:    Boland, J.  
                         Flier, J.

July 31, 2006 (Continued)

## DIVISION EIGHT (Continued)

B184347 People (Not for Publication)  
v.  
Hays

The appeal is dismissed.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

B189956 People v. Wells (Not for Publication)

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.